



DEPARTMENT OF THE ARMY  
HEADQUARTERS, AREA II SUPPORT ACTIVITY  
UNIT #15333  
APO AP 96205-5333

REPLY TO  
ATTENTION OF:

IMKO-AB-PL-LO

19 July 2005

AREA II COMMAND POLICY #5-9

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Command Policy 5-9, Ration Control Violations and Black Marketing

1. REFERENCE:

- a. USFK Reg 60-1, Ration Control, dated 7 Jun 04.
- b. USFK 643-1, Transactions between SOFA Personnel and Personnel Not Entitled duty Free Import Privileges in the ROK, 28 Feb 90.
- c. USFK Reg 643-2, Transactions between SOFA Personnel and Personnel Not Entitled Duty Free Import Privileges in the ROK, 28 Feb 90.
- d. USFK Pam 608-3, Guidelines for Disposal of Duty Free Goods in Korea, 28 Feb 85.

2. PURPOSE: To establish standard procedures, and policies within Area II concerning ration control violations and black marketing.

3. PURPOSE: This policy memorandum applies to all personnel allowed on military installations within Area II.

4. GENERAL:

a. Under the provisions of the ROK-US Status of Forces Agreement, authorized members of the Area II community are entitled to purchased items without paying Korean taxes. In exchange for this privilege, members of the community are obligated to prevent transfer of duty free articles to individuals who are not allowed to purchase them. Also, the United States is required to prevent abuse of the duty-free purchase privilege.

b. Specific prohibitions include:

(1) Selling commissary, Post Exchange, or morale, welfare, and recreation products to individuals not authorized to purchase them.

(2) Giving a gift valued at more than \$50.00 to persons not authorized duty-free privilege.

(3) Giving alcohol or subsistence items (food) and gifts to persons not authorized duty free privilege.

(4) Violating shelf limits or making multiple purchases to avoid shelf limits (race tracking).

(5) Purchasing duty-free goods in excess of personal needs.

c. Exceptions are limited but do exist depending on how long an item has been in Korea, its serviceability, its value and the reason for the transfer. The Administrative Law section, Area II, at 738-6847/6841, is available to discuss these exceptions prior to transfer.

d. The commissary will set and post limits by store.

e. AAFES will follow standard limits in all outlets. The following standard shelf limits apply to AAFES outlets throughout Area II. Exception to these standard shelf limits, unless otherwise restricted by the Area II Commander, may be approved by the on-duty sales facility manager.

(1) Two cases of beer per family per day not to exceed 8 cases a month – regardless of where purchased.

(2) One of each type of electrical appliance per family per day – e.g., one toaster, one iron, etc.

(3) Three of all other items per family per day.

f. Administrative sanctions may be imposed to for a violation of any of the prohibitions listed above, exceeding the established shelf limits, or violating USFK Reg 60-1.

g. USFK Reg 60-1 required a mandatory revocation of commissary and post exchange privileges where a violation of the following occurs:

(1) Unauthorized purchase of more than 50 percent in excess of the authorized monthly quantity (ex., limit is 4 units of alcohol, and purchase exceed 6 units). A unit consists of 1.5 liter or less anything over that counts as two.

(2) Use, attempted use, or wrongful possession of a counterfeit, fraudulent, or forged identification card or RCP. This includes use, attempted use, or possession of an identification card or RCP previously reported lost or stolen by anyone.

(3) Conviction by court-martial or civilian authorities (including ROK authorities) for the wrongful transfer of duty free goods. The payment of a fine to ROK customs authorities will be construed as a civilian conviction.

(4) Voluntary admission to, or clear and convincing evidence of, the wrongful transfer to the intention to wrongfully transfer duty free goods for the purpose of producing income (i.e., black marketing).

(5) Voluntary admission to a second wrongful transfer of duty free goods of any value.

(6) Failure to show proof of proper disposition of controlled items IAW USFK Reg 643-1 or USFK Reg 643-2.

(7) Sale, gift, loan, or other transfer of a identification card, RCP, or temporary privilege card to an unauthorized user.

(8) Refusal to participate in a controlled item inventory as ordered.

(9) Bribery of, payment of gratuities to, or conspiracy with USFK commissary, post exchange, or morale, welfare, and recreation employees, or to otherwise violate this regulation.

(10) Failure to provide explanation to law enforcement officials upon their reasonable suspicion that the purchaser/possessor is involved in the above offenses.

h. In addition to mandatory sanctions, the Installation Commander may impose additional administrative sanctions to include, but not limited to, revocation of post driving privileges, bars from Area II military installations, termination of command sponsorship, or involuntary curtailment of overseas tour. These administrative sanctions are separate and in addition to any UCMJ actions a soldier's chain of command may initiate.

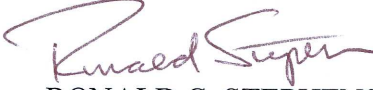
i. Within Area II. Ration control plates will be seized as evidence when a suspected ration control violation occurs. The suspect is issued a order to show letter, signed by the Law & Order Officer, an administrative hearing is conducted and a determination is made concerning which sanctions, if any, will be imposed.

j. That hearing, conducted by the Law & Order Officer, Area II Support Activity, will normally occur within seven days of the reported violation and if warranted.

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k. All subordinate and tenant units will establish a program to brief newly assigned personnel (both military and civilian) on the ration control system, and the contents of this policy within fifteen days after arrival and post this policy on unit bulletin boards.



RONALD C. STEPHENS  
COL, SC  
Commanding

DISTRIBUTION:

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